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SENATE

REPORT
100-578

DESIGNATING CERTAIN PUBLIC LANDS IN THE STATE OF ALABAMA AS WILDERNESS, AND FOR OTHER PURPOSES

SEPTEMBER 30 (legislative day, SEPTEMBER 26), 1988.—Ordered to be printed

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Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, submitted the following

REPORT

[To accompany S. 2838]

The Committee on Agriculture, Nutrition, and Forestry, to which was referred the bill (S. 2838) to designate certain public lands in the State of Alabama as wilderness, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE AND NEED

S. 2838, Sipsey Wild and Scenic River and Alabama Wilderness Addition Act of 1988, as reported by the Committee on Agriculture, Nutrition, and Forestry, would add two areas of National Forest land in Alabama, totaling approximately 13,970 acres, to the National Wilderness Preservation System. This bill would also add approximately 5,085 watershed acres to the Wild and Scenic River System, and create the first Wild and Scenic River in the State of Alabama.

THE WILDERNESS AREAS

S. 2838 designates the following areas as wilderness:

Sipsey Wilderness additions.—Certain lands in Bankhead National Forest which comprise approximately 13,260 acres are incorporated into the existing Sipsey Wilderness. The existing Sipsey Wilderness consists of 12,726 acres. The Sipsey Wilderness is highly scenic and would provide outstanding opportunities for educational outings.

S163-7

Cheaha Wilderness additions.—Certain lands in the Talladega National Forest which comprise approximately 710 acres are hereby incorporated into the existing Cheaha Wilderness. The existing Cheaha Wilderness area consists of 6,780 acres. Panoramic overviews provide excellent views of this pristine wilderness area.

WILD AND SCENIC RIVERS

This title designates the Sipsey River as a component of the National Wild and Scenic Rivers System. The watershed acreage is approximately 5,085 acres.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On September 27, 1988, the Sipsey Wild and Scenic River and Alabama Wilderness Addition Act of 1988, was introduced by Senator Heflin and Senator Shelby and referred to the Committee. S. 2838 is a similar bill to S. 2782 on which the committee held a public hearing on September 25, 1986. Every major provision of S. 2838 was reviewed in the hearings on S. 2782. There have been no new issues or areas added to S. 2838 since the hearing on S. 2782. Modifications were made to address concerns developed in the hearing.

Over the years, there have been several hearings to address these issues. There have been modifications of the proposed language to address concerns of both the U.S. Forest Service and Wilderness Society.

The issue of expanding the Sipsey Wilderness as an addition to National Wilderness Preservation System has been before the committee over the last several years, with little resolution. This is the first time all parties have agreed to the proposed compromise to move this legislation.

On September 28, 1988, the Committee met in open business session and ordered S. 2838 favorably reported to the Senate on a voice vote.

SECTION-BY-SECTION ANALYSIS

TITLE I

Section 101

Provides for the designation of the Sipsey River as a Wild and Scenic River.

Section 102(a)

This section provides that the Secretary of Agriculture shall conduct a study to determine the location and size of the proposed lake in the northeast portion of the Bankhead National Forest. This section further directs and authorizes the Secretary to construct a dam to establish a lake for all types of recreational uses within the Bankhead National Forest. This lake will not be located in any of the watershed area designated as Wild and/or Scenic. This section gives the Secretary complete discretion in the location and size of the proposed lake.

Section 102(b)

This section directs the Secretary of Agriculture to construct a road from an appropriate public highway to the lake established in Sec. 102(a). This section gives the Secretary the discretion as to the type of road to be constructed based on expected use and traffic to the proposed lake.

SEction 102(c)

This section provides that the Secretary is directed and authorized to construct sufficient recreational facilities, including: camp sites, picnic areas, boat ramps, and related facilities, as deemed necessary by the Secretary, adjacent to and surrounding the lake.

Section 102(d)

This section directs the Secretary to monitor the water flowing toward and into Lewis Smith Lake, the primary water supply for Birmingham, Alabama. The Secretary is directed to take all actions necessary to control any conditions causing injurious water quality.

TITLE II

Section 201(a)(1)

This section designates the addition of 13,260 acres to the Sipsey Wilderness located in the Bankhead National Forest.

Section 201(a)(2)

This section designates the addition of 710 acres to the Cheaha Wilderness located in the Talladega National Forest.

Section 201(b)

This section protects valid existing rights and directs that the Wilderness Areas be administered according to the Wilderness Act of 1964.

Section 201(c)

This section provides that the Secretary of Agriculture may take such measures as may be necessary to control fire, insects, including the Southern Pine Beetle, and diseases within the Sipsey Wilderness, Sipsey Wilderness Addition, including areas within the designated boundaries of the Wild and Scenic River, which are consistent with the Wilderness Act of 1964, and U.S. Forest Service policy. This section also calls for the Secretary to evaluate the dangers and potential dangers created by the Southern Pine Beetle and other insects within the Bankhead National Forest and adjacent State and private lands. If his evaluation of such dangers and potential dangers justify a review of present policy about such insects within the wilderness, then he shall review such policy.

Section 201(d)

This section directs the Secretary to take such actions as he deems necessary within the designated Wilderness area to identify and correct any conditions which injure water quality.

Section 201(e)

This section provides that the Secretary, at his discretion, shall convert existing roads within the Sipsey addition into suitable hiking or horse trails.

This section directs the Secretary to permit continued use of horse drawn vehicles in the wilderness areas. This use is consistent with the Wilderness Act of 1964, and is a long standing practice in this area. The Secretary shall designate appropriate routes for horse drawn vehicles, after consultation with the Supervisor of the Bankhead National Forest.

Section 202

This section contains release language as accepted by the Committee and the U.S. Forest Service.

Cost Estimate

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee estimates that enactment of S. 2838 will have no budgetary impact.

In accordance with the Congressional Budget Act of 1974, the Congressional Budget Office prepared the following cost estimate, which is consistent with the Committee's cost estimate.

U.S. Congress,
Congressional Budget Office,
Washington, DC, September 30, 1988.

Hon. Patrick J. Leahy,
Chairman, Committee on Agriculture, Nutrition, and Forestry,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 2838, the Sipsey Wild and Scenic River and Alabama Wilderness Addition Act of 1988, as ordered reported by the Senate Committee on Agriculture, Nutrition, and Forestry, September 28, 1988.

Based on information provided by the U.S. Forest Service, OBO estimates that enacting this bill would cost around $200,000 during the 5 years after the bill is enacted. S. 2838 would require the Secretary of Agriculture to designate the Sipsey River as part of the National Wild and Scenic River System, and would designate nearly 14,000 acres in Alabama as a wilderness area to be managed as part of the National Wilderness Preservation System.

The costs mentioned above would be for a study on developing the area around the river. Other costs could be incurred in later years, once the construction projects authorized by the bill are begun. The size and scope of these projects would depend on the findings of the study; therefore, we cannot provide a precise cost estimate for them at this time. Information provided by the Forest Service indicates that the cost of these projects could range from under $1 million to $5 million.

Enactment of this bill would not affect the budgets of State or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Michael Sieverts, who can be reached at 226-2860.

Sincerely,

JAMES L. BLUM, *Acting Director.*

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee found that S. 2838 is not a regulatory measure in the sense of imposing government established standards or economic responsibilities on private individuals or businesses. The bill is therefore expected to have no regulatory impact on any State or local government or on business.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 2838 are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 16, UNITED STATES CODE

CHAPTER 28—WILD AND SCENIC RIVERS

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Sec. 1274. Component rivers and adjacent lands

(a) DESIGNATION.—The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) Clearwater, Middle Fork, Idaho. * * *

(A) SIPSEY FORK OF THE WEST FORK, ALABAMA.—Segments of the Sipsey Fork and several tributaries; to be administered by the Secretary of Agriculture in the classifications indicated, as follows:

(1) Sipsey Fork from the confluence of Sandy Creek upstream to Forest Highway 26, as a scenic river.

(2) Sipsey Fork from Forest Highway 26 upstream to its origin at the confluence of Thompson Creek and Hubbard Creek, as a wild river.

(3) Hubbard Creek from its confluence with Thompson Creek, upstream to Forest Road 210, as a wild river.

(4) Thompson Creek from its confluence with Hubbard Creek upstream to its origin in section 4, township 8 south, range 9 west, as a wild river.

(5) Tedford Creek from its confluence with Thompson Creek upstream to section 17, township 8 south, range 9 west, as a wild river.

(6) Mattox Creek from its confluence with Thompson Creek upstream to section 36, township 7 south, range 9 west, as a wild river.

(7) Borden Creek from its confluence with Sipsey Fork upstream to Forest Road 208, as a wild river.

(8) Borden Crek from Forest Road 208 upstream to its confluence with Montgomery Creek, as a scenic river.

(9) Montgomery Creek from its confluence with Borden Creek upstream to the southwest quarter of the southwest quarter of section 36, township 7 south, range 8 west, as a scenic river.

(10) Flannigan Creek from its confluence with Borden Creek upstream to Forest Road 208, as a wild river.

(11) Flannigan Creek from Forest Road 208 upstream to section 4, township 8 south, range 8 west, as a scenic river.

(12) Braziel Creek from its confluence with Borden Creek upstream to section 12, township 8 south, range 9 west, as a wild river.

(13) Hogood Creek from its confluence with Braziel Creek upstream to the confluence with an unnamed tributary in section 7, township 8 south, range 8 west, as a wild river.

(B) A map entitled "Sipsey Fork of the West Fork Wild and Scenic River" generally depicting the Sipsey Fork, and the tributaries is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

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